

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 18,738
)	
Appeal of)	

INTRODUCTION

The petitioner appeals a determination by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating his Food Stamp benefits for allegedly refusing to cooperate with providing verification of his son's income.

FINDINGS OF FACT

1. The petitioner lives in a household that includes his eighteen-year-old son. The household receives Food Stamps.

2. In late September of 2003, PATH became aware that the petitioner's son was working and on September 26, 2003, PATH sent the petitioner a request for verification of the son's income. He was told that he had until October 8 to provide proof of his income and that failure to provide it could result in the closure of the household's benefits.

3. When nothing was received by the deadline, PATH sent a second notice to the petitioner dated October 9, 2003 asking

for proof of his son's wages and warned him that if the information was not received by October 27, 2003, his Food Stamps would be terminated.

4. The petitioner does not recall receiving the September 26, 2003 notice but agrees he got the October 9 notice. In response to that notice, the petitioner called a PATH supervisor and told him that he had received the verification request and that he would call him after talking with his attorney about whether the request was a valid one. The petitioner called back around October 24, 2003 to say that he would not provide the information and wanted to appeal any determination that his benefits would be terminated.

5. The petitioner did file an appeal on October 28, 2003, the same day that a notice was sent to him telling him that his Food Stamps would be terminated as of November 30, 2003 for his failure to give PATH information needed to determine his eligibility. His benefits were continued pending that appeal.

6. The petitioner does not dispute that he knew PATH wanted the information on his son and knew what the deadline

was. Neither does he dispute that he called and told the supervisor that he would not provide the requested verification.

7. The petitioner believes PATH has no basis upon which to ask his son for his income as his son has repeatedly told PATH that he does not want Food Stamp benefits. PATH agrees that the petitioner has told them his son does not want the Food Stamp benefits but PATH maintains that it still must include the son's income in determining the family's food stamp benefit unless it gets an indication in writing from the petitioner saying that he wants the entire family removed from Food Stamps.

ORDER

The decision of PATH terminating the Food Stamps is affirmed.

REASONS

The Food Stamp program makes payments to a "household" unit which is defined as "a group of individuals who live together and customarily purchase food and prepare meals together for home consumption." F.S.M. 273.1a(1)(iii). The

Food Stamp rules further state:

Special Definition

- i The following individuals living with others or groups of individuals living together shall be considered as customarily purchasing food and preparing meals together, even if they do not do so:

. . .

- C. Parent(s) living with their natural, adopted or step-children 21 years of age or younger.

W.A.M. 273.1(a)(2)

PATH is thus correct that it must consider the petitioner's eighteen-year-old son a member of his Food Stamp household so long as he is living with the petitioner. Neither the petitioner nor his son can elect to take him out of the Food Stamp household. PATH is correct that the only option open to a family who does not want to include a child under 21 years of age is to withdraw the entire household from the program.

The Food Stamp regulations require the mandatory verification of "gross nonexempt income . . . for all households prior to certification." F.S.M. 273.2f(1)(i). If the household refuses to cooperate in providing verification of income at reviews prompted by household changes, "the household shall be determined ineligible." F.S.M. 273.2d(1).

PATH has followed the above applicable regulations in terminating the petitioner's Food Stamp benefits and its action must be upheld by the Board. 3 V.S.A. § 3091(d), Fair Hearing Rule 17. The petitioner should be aware that he can reapply for benefits following this termination but his household will "not be determined eligible until it cooperates with the State agency." F.S.M. 273.2d(1).

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